

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ERIC MOFFETT

PETITIONER

VS.

CIVIL ACTION NO. 3:14CV639CWR

COMMISSIONER MARSHALL L. FISHER,
Commissioner, Mississippi Department of
Corrections, and JIM HOOD, Attorney General
of the State of Mississippi

RESPONDENTS

**ORDER DENYING AS PREMATURE MOTION TO
SUPPLEMENT EVIDENCE AND AMEND ARGUMENT**

This matter came before the Court on Petitioner's Motion for Leave to Supplement Evidence and Amend Argument [Doc. #11]. This Motion was filed contemporaneously with a Motion for Leave to File *Ex Parte* Application for Expert Assistance [Doc. #9]. The second Motion was granted; however, the Court has not yet authorized the Petitioner to hire an expert witness. Because the Motion currently before the Court cannot be decided until an expert witness has been approved and additional evidence derived thereby, the Court is of the opinion that it was filed prematurely and should be denied as such. This denial is without prejudice to the Petitioner's right to re-urge this relief after being granted permission to retain an expert and after additional probative evidence is obtained through that expert.

IT IS, THEREFORE, ORDERED that the Petitioner's Motion for Leave to Supplement Evidence and Amend Argument [Doc. #11] is hereby **denied** as premature. Petitioner may re-urge this relief at a later date.

SO ORDERED, this the 31st day of March, 2016.

/s/ Carlton W. Reeves

Hon. Carlton W. Reeves
United States District Judge